SOUTHERN DISTRICT OF NEW YORK		
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ARTHUR USHERSON,	: :	
TV 4 100	:	10 077 10 10 (77 77)
Plaintiff,	:	19-CV-6368 (JMF)
-V-	:	<u>ORDER</u>
BANDSHELL ARTIST MANAGEMENT,	:	
,	:	
Defendant.	:	
	: X	
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JESSE M. FURMAN, United States District Judge:

After reviewing Plaintiff's response to the Court's December 11, 2019 Order, the Court concludes that an evidentiary hearing is warranted, if not necessary, to resolve certain factual disputes relevant to Defendant's motion for sanctions.

The Court plans to conduct the evidentiary hearing as follows. Consistent with the Court's prior Memorandum Opinion and Order, the evidentiary hearing will be narrowly limited to whether (and if so, when and how) the Mediator gave Liebowitz permission (1) not to appear personally at the October 31, 2019 mediation (and to send an associate instead); and (2) for Plaintiff himself not to appear at the mediation in person and to participate by telephone instead. The Court will hear in-person testimony from three witnesses: Liebowitz, Newberg, and the Mediator. The Court will treat the declarations already submitted by these witnesses as their direct testimony and may conduct additional questioning of each witness. After any questioning by the Court, counsel will be given an opportunity to question each witness — in the case of the Mediator, both sides will be permitted to ask additional questions; in the case of each lawyer, only opposing counsel will be allowed to ask additional questions.

Unless the Court orders otherwise, the evidentiary hearing shall be held on **January 8**, **2020**, at **9:30 a.m.** in Courtroom 1105 of the Thurgood Marshall Courthouse, 40 Centre Street, New York, New York. Richard Liebowitz, Brad Newberg, and the Mediator must attend in person. The parties may, but do not have to, attend in person.

Any party objecting to the foregoing — or believing that a conference should be held to discuss these (or any other) matters — shall submit a letter by **noon** on **December 19, 2019**.

SO ORDERED.

Dated: December 17, 2019

New York, New York

JESSE M. FURMAN United States District Judge